

Minutes: Leesburg Planning Commission November 16, 2000

The Leesburg Planning commission met in regular session on Thursday, November 16, 2000 at 7:00 p.m. in Council Chambers, 25 West Market Street, Leesburg, VA. Members present for this meeting were: Vice-Chairman C. Vaughan, Commissioners: C. Cable, D. Kennedy, L. Schonberger and L. Werner. Absent was: G. Glikas, K. Kearns and K. Umstattd. Staff members present for the meeting were: Mike Tompkins, Brian Boucher, Delane Parks, Lee Phillips and Jennifer Moore.

Mr. Tompkins, Director of Planning Zoning and Development asked to make several comments. Mr. Tompkins stated that the public hearing for the Potomac Crossing Rezoning has been postponed until the December 7, 2000 public hearing, however there will be a worksession on November 30, 2000 and one of the items that will be discussed will be the Potomac Station Rezoning.

Commissioner Cable asked what time the meeting on November 30th would take place. Mr. Tompkins stated that it would be at 7:00 p.m. in the Council Chambers.

Mr. Tompkins stated that also at the November 30th meeting Mr. Brian Boucher, Zoning Administrator would like to come before the Commission to map out a schedule for completion on the Zoning Ordinance. Also at that meeting staff would like to bring forward several applications, just to give the Commission a briefing so that there are no surprises at the December 7th public hearing. He stated that staff is not looking for deep discussion, but would like to make the Commission aware of the applications.

Minutes:

Commissioner Cable stated that at the last meeting she requested that the approval of the minutes be deferred so that some changes that she requested could be made. Those changes have been made and she is ready to go forward with approval of the minutes.

Commissioner Schonberger stated that in the first paragraph of the minutes it states that he was in attendance and then that he was not in attendance. He stated that he was not in attendance at the October 19th meeting.

A motion was made for approval of the minutes. The motion was seconded and approved with all voting aye, including the Chair.

Petitioners:

None

Councilmanic Report:

Mr. Tompkins stated that Councilmember Umstattd asked him to make the Commission aware that she is sitting in on a Transportation Council meeting for the Mayor and could not be present tonight.

Public Hearings:

None

Subdivision and Land Development Plan:

A. International Pavilion, Parcel B5

Mr. Parks, Planner II stated that the staff brought this application before the Commission at the November 2nd meeting and the Commission had questions concerning convenient parking relative to the intent of the Ordinance for each of the Parcels. He stated that one of the review comments was that the applicant, provide some additional parking spaces so that there were a certain number of parking spaces available to Building One on Parcel B7. Mr. Parks stated that the applicant has responded to that request. He stated that originally along the side of the building the parking was parallel, now the applicants, by reducing the size of the building and adding head-on parking have increased the number of parking spaces.

Mr. Parks stated that staff has determined that it does meet the Ordinance in terms of convenient parking to Building One on Parcel B7 and staff has no issues relating to parking for that Building at this time.

Mr. Parks stated that he would like to apologize for the lateness of the application. Staff was working with the applicant to try and get the changes made.

Mr. Parks stated that at the request of the Planning Commission the applicant has provided an overall layout of the site with directional arrows in the various travel aisles.

Vice-Chairman Vaughan asked if it would be appropriate to open all three Parcels up for discussion. Mr. Parks stated that the Commission could discuss all three Parcels, however, they would need to vote on the Parcels individually.

Commissioner Werner asked how many spaces had been added to the site. Mr. Parks stated that the applicants had added nine spaces in front of Building One Parcel B7.

Commissioner Schonberger asked where the doorways would be located on the buildings. Mr. Parks pointed them out to the Commission.

Commissioner Schonberger asked why Building 2 on Parcel B6 and the parking lot on that Parcel are not flipped.

Mr. Beck Dickerson, representative for the applicant stated that the reason that the buildings are located the way that they are is because they are not intended as large box structures they are intended to create a feel like downtown Leesburg with different facades as you walk along the street. That is why the buildings are close together and that is why the parking is parallel instead of perpendicular.

Commissioner Cable asked if there would be access from the front of the building as well as the rear. Mr. Dickerson stated that there would be doors along the façade, the rear and the side.

Commissioner Kennedy asked how many square feet had been removed from the original design. Mr. Dickerson stated that it was approximately 2,000 square feet.

Commissioner Cable asked if there would be parallel parking along the main roadway. Mr. Dickerson stated that that was correct.

Vice-Chairman Vaughan stated that he did not have a motion attached to his staff report. Mr. Parks stated that under the new procedure that the Town has, the recommendation that is built into the staff report is actually the draft motion.

A motion was made to approve International Pavilion, Parcel B5 – Preliminary Development Plan as submitted.

The motion was seconded and approved with all voting aye, including the Chair.

B. International Pavilion, Parcel B6

A motion was made to approve International Pavilion, Parcel B6 – Preliminary Development Plan as submitted.

Commissioner Schonberger stated that he is still concerned about the parking on this site and he stated that he would like to see more of a main entrance on that site.

Commissioner Cable stated that she still has concerns as well. She stated that she would be more concerned if Building One were as large as Building Two, however, with staff saying that it meets the intent of the requirement, she can go forward with this application.

The motion was seconded and approved with a vote of 3-1 including the Chair, with Commissioner Schonberger voting nay.

C. International Pavilion, Parcel B7

A motion was made to approve International Pavilion, Parcel B7 – Preliminary Development Plan as submitted.

The motion was seconded and approved with all voting aye, including the Chair.

D. Stowers, Section Two and Three – Revised Phasing Plan

Mr. Phillips stated that this is a revision to the phasing plan of the previously approved preliminary plat. Mr. Phillips stated that he has received some questions from members of the Planning Commission prior to tonight's meeting asking where the problem areas are, so he has put together an overhead for the Commission.

Commissioner Cable asked if there is an occupied residence on the property for which an easement is needed. Mr. Phillips stated that the property is all farmland, so there is no occupied dwelling on the property.

Commissioner Cable asked if the easements that were needed were temporary or permanent. Mr. Phillips stated that he would like to have the applicant answer that question.

Mr. Bob Jansen with Pulte Homes Corporation gave the Commission the background for the property. He stated that he has been talking to Peter Claris who represents the property to the west of R. Stowers since the summer of 1999. He stated that the improvements needed to enter Stowers two and three from Route 621 required some temporary grading easements from Mr. Claris' property. Mr. Claris wanted to make sure that none of the easements would interfere with his ability to zone his property.

Mr. Jansen stated that he would like to publicly commend the Town's Engineering and Planning Departments for all of the work that they have done to help keep the project going.

Mr. Jansen stated that in looking at the approved Transportation Plan for Section 1 and all of the improvements being made they determined that the entrance could accommodate 100 lots out of Sections two and three, so in an effort to keep the project moving they looked at the original seven approved phases and decided to simplify the project and go to just three Phases.

Mr. Jansen stated that he could propose the ultimate improvements to Wallace Drive with Phase II. He stated that these improvements had originally been proposed to be in Phase III; however, they are now in a position to accelerate those improvements.

Commissioner Cable asked if the applicant had signed easement documents. Mr. Jansen stated that they do not have signed easement documents, however, they have an agreement to grant easements. He stated that the agreement is a very positive thing for this project.

Commissioner Cable asked in what form the request is being made to the Commission. Mr. Jansen stated that they are requesting to go to three phases and they would include the ultimate entrance improvements with Phase Two rather than Phase Three.

Commissioner Schonberger asked when the project had had seven phases, at what phase was the applicant required to provide the ultimate improvements to Wallace Drive. Mr. Phillips stated that at that time it was part of Phase I.

Commissioner Schonberger asked how large in scope the new Phase I is in comparison to the previous Phase I. Mr. Phillips stated that the new Phase I is 100 lots.

Vice-Chairman Vaughan asked if the plat would need to change to become consistent with the new phasing. Mr. Phillips stated that the only thing that would change would be a note on the phasing plan. He stated that the motion would supercede the note on the plat.

Commissioner Schonberger asked what the access points would be for Phase I. Mr. Phillips showed Commissioner Schonberger the access points on the overhead.

Commissioner Schonberger asked if the ultimate improvements are being delayed is significant in any way. Mr. Phillips stated that it is his understanding that the revised Phase I is 100 homes and the traffic study can states that it can support an addition 110 homes off of that entrance.

Commissioner Schonberger asked if the ultimate road improvements would be prior to the commencement of Phase II. Mr. Phillips stated that the ultimate road improvements would be part of the Phase II plans, so the actual construction of the roads would be part of the road construction with Phase II. Mr. Jansen stated that it is his understanding that Phase II would not be approved until the public improvements for the ultimate entrance have been approved and bonded. He stated that he does not anticipate building any houses until the ultimate entrance improvements on Wallace Drive are in place. Mr. Jansen stated that he is willing to make that part of the motion.

Commissioner Kennedy asked which streets are public streets and which are private. Mr. Phillips stated that every street are public streets.

Commissioner Werner asked when the permanent improvements for Alpine Drive would begin. Mr. Phillips stated that they are currently under construction.

Commissioner Werner asked when they would be completed. Mr. Jansen stated that they would be paved well before plan approval on Phase I.

Vice Chairman Vaughan asked for Mr. Phillips to read the motion that he has crafted into the record. Mr. Phillips read the motion, it is as follows:

“I move that the revised phasing plan for Stowers, Sections Two and Three Preliminary Subdivision Plat, dated, received by the Town on November 9, 2000, be approved with the condition that the ultimate road improvements of Wallace Drive be approved as part of Phase II instead of Phase III; and that Phase II plans would not be approved prior to approval and bonding of the ultimate road improvements for Wallace Drive.”

A motion was made to approve the application with the stated conditions. The motion was seconded and approved with all voting aye, including the Chair.

Zoning Items

None

Comprehensive Planning Items

B. SE 2000-10 – 14 Cardinal Park Drive

Mr. Phillips stated that this is an application for an outdoor storage yard. Mr. Phillips stated that this application was before the Commission two weeks ago and several Commissioners had requested that a condition be added for the storage of hazardous materials similar to the Dale Lumber outdoor storage yard. Mr. Phillips stated that the condition to address that has been added.

Mr. Phillips stated that the Commissioners also indicated that they did not believe that the chain link fence would be an adequate screen for the use. Mr. Phillips stated that the applicant has agreed to replace all missing and dead landscape material as shown on the previously approved development plan prior to occupancy. Mr. Phillips stated that at the moment the only visibility to the storage yard is from Dale Lumber storage yard, which is south of the property. Mr. Phillips stated that staff is satisfied with the chain link fence and shrubbery as a screen for the use.

Mr. Phillips stated that should the Commission request additional screening he included specification for vinyl slats that can be placed in the chain link fence. He stated that if the Commission would like the slats that would need to be added as a condition for approval of the application.

Commissioner Cable asked Mr. Phillips to explain what was on each parcel adjacent to the site. Mr. Phillips explained what occupies each parcel.

Commissioner Kennedy asked if the applicant would consider adding five more trees. Commissioner Cable asked if the requirement for landscaping had been met. Mr. Phillips stated that the landscaping is really tight right now, there are four trees inside the perimeter of the fence that will need to be relocated and the staff and applicant are struggling to find a place for those trees.

Commissioner Schonberger asked what relocating the trees meant. Mr. Phillips stated that they would be removed from their current location and transplanted outside the perimeter of the fence.

Commissioner Werner stated that she had had a concern regarding the fencing and had requested that the property be screened from view. She stated that she had objected to slats being placed in chain link fences, however with new information provided to her regarding the slats she believes that the product has changed and does not have a problem with the slats being used.

Commissioner Cable asked if the was going to be a temporary or permanent storage yard. Mr. Mark Leader, owner, stated that the way that he understands it, this will be a special exception until such time as the tenant moves out of the building.

Commissioner Kennedy asked the applicant if he would be willing to add five trees to the landscaping of the site. Mr. Leader asked what types of trees he would like to have on the site. Commissioner Kennedy stated that whatever the applicant was comfortable with would be fine. Mr. Leader stated that he would try.

Vice Chairman Vaughan stated that he does not believe that the Commission has come to a conclusion on the privacy slats. Commissioner Werner stated that because this is a special exception application, should it be the will of the entire Commission to see the privacy slats placed in the fence the Commission can make it part of the motion.

Commissioner Schonberger asked why the applicant is being asked to provide the slats on the fence. Commissioner Werner stated that it is to screen the items that are being stored in the storage yard from view.

Commissioner Cable asked what the fencing was that was placed around the Dale Lumber yard storage area. Mr. Phillips stated that it was standard chain link fencing. Commissioner Cable stated that she has no objection to adding the slats other than it is a considerable additional expense. Commissioner Cable asked what was the height of the landscaping. Mr. Phillips stated that the in time the landscape will be as tall if not taller than the fence and the landscape will be very dense.

A motion was made to forward a recommendation of approval to the Town Council with the conditions cited in the staff report, dated November 10, 2000. The motion was seconded.

Commissioner Kennedy amended the motion to include the addition of privacy slats added to the chain link fence around the entire perimeter. Commissioner Cable accepted the amendment.

The motion was seconded and approved with all voting aye, including the Chair.

C. SE 2000-11 – Jafari Auto Sales and Service

Mr. Phillips stated that this application was before the Commission at its last meeting and the only concern that he was aware of that the Commission had was the look of the five bay service area. He stated that the applicants did not want to put a lot of money into a design if the use was not going to be approved.

Commissioner Werner asked if the applicant intends to use the existing house located on the property. Ms. Jafari, applicant came forward to speak. She stated that the house will be renovated and as an office.

Commissioner Werner asked what the service are would look like. Ms. Jafari stated that they have not decided it will depend on the Town's requirements.

Commissioner Cable asked if the plat that was presented to the Commission is the special exception plat. Mr. Phillips stated that it is the special exception plat. He also stated that he would like to make reference to recommended condition number one, which states, "the development shall be in general conformance". The reason that he used general is because there has been no engineering done to the plat.

Commissioner Cable stated that normally on a special exception plat locations and uses are shown and she has a problem with the plat because it shows a two story aluminum siding dwelling, because if the special exception use is approved with a plat that shows that structure, then that means the structure is there for the purpose of being a dwelling. Mr. Phillips stated that he could add a condition that the structure not be used as a dwelling.

Commissioner Werner stated that all references to sales both in the staff report and on the plat should be removed. Mr. Phillips stated he would take care of removing those references.

Commissioner Cable asked if the applicants could contract with a franchise for use of this facility. Mr. Phillips stated that they could. Commissioner Cable asked if the applicant's were to contract with a franchise how would the Town be able to review the appearance. Mr. Phillips stated that the application would have to come back before the Commission as a development plan, however because this is outside of the H-2 District and not subject to architectural review, now would be the time to dictate the architectural style of the building, should the Commission wish.

Commissioner Schonberger stated that he believes that he is looking at only part of the picture and does not have a comprehensive view of how this will work. Mr. Phillips stated that there are two ways that the Commission can proceed. They can either forward a recommendation of denial until such time that the applicant provide a detailed scale drawing or the Commission can forward it to the Town Council with a recommendation of approval provided that the applicant provide the information to the Council.

Commissioner Schonberger stated that he feels that he is not doing his job if he passes this on to the Council with many open issues. Mr. Phillips stated that this application would need to be presented to the Town Council on or before December 12, 2000. He stated that the application could be revisited on November 30, 2000 since the Commission has already agreed to have meeting on that date.

Mr. Phillips stated that the applicant could withdraw the application and then once they had accumulated more data refile.

Commissioner Cable asked Ms. Jafari if they planned on having a chain take over the building if it were approved. Ms. Jafari stated that they do have people that want to rent the facility, but she does not know yet if it will be a franchise.

Vice Chairman Vaughan stated that at this point a decision needs to be made as to where the applicant would like to withdraw the application or move forward know that the recommendation that will go to Council will not be a favorable one.

A. TP 1999-02 – Town Plan Amendment to Remove Davis Avenue from the Transportation Policy Map

Mr. Tompkins stated that at the last meeting the Commission had requested that a member of the Tri-Commission come before the Commission regarding this application. Mr. Tompkins stated that Dr. Lillis is here to speak to the Commission.

Mr. Tompkins stated that he does want to clarify that although the Tri-Commission was the body that came before Council to request this Amendment, it was the Town Council that initiated the action.

Mr. Fred Lillis stated that he is speaking for the Tri-Commission. He stated that the Commission was looking for parkland other than Ida Lee and that donated by developers and the Tuscarora Creek stood out. He stated that this is the only park in Leesburg that has running water. Mr. Lillis stated that it also links some of the parks in Leesburg. Mr. Lillis stated that the Davis Avenue extension would be detrimental and harmful to the park.

Commissioner Kennedy stated that he supports this application.

Commissioner Schonberger asked if this has been designated as parkland. Mr. Lillis stated that they would like it to be parkland, but it has not been designated as such. Commissioner Schonberger stated that right now under the present configuration, the likelihood of Davis Avenue ever being constructed is zero. Commissioner Schonberger stated that his concern is that by removing it from the transportation element of the Town Plan, it would be making it easier for a developer to cul-de-sac Davis Avenue and put in the very construction that they seek to prevent.

Mr. Lillis stated that most of this land is floodplain and wetlands and by its very nature, construction as discussed would be prohibited. Commissioner Schonberger stated that his sense was that it could be done, but at a remarkable expense and with the road not being there some development could occur.

Commissioner Schonberger asked Mr. Tompkins if he could shed some light on this situation. He stated that when he asked this question when the issue first came up, it just seemed to drop and he never got an answer. Mr. Tompkins stated that he was not aware of the question and he does not have an answer for that question right now. Mr. Tompkins stated that he is also not clear on what that question has to do with the policy issue as it sits in the Town Plan.

Mr. Tompkins stated that land is going to develop one way or the other and if the pressure comes, whether this road exists or not, the land will be developed. Commissioner Schonberger stated that he does not agree with that comment on that particular site.

Commissioner Cable stated that she had submitted several questions to staff prior to this meeting and she would like to ask several questions. Commissioner Cable asked if the Tri-Commission has ever considered a full stream valley park for the entire Tuscarora Creek. Mr. Lillis stated that that would be instruction for their Committee and would recommend that she come to one of their meetings.

Commissioner Cable stated that she had been initially opposed to deletion of any roadway from the Comprehensive Plan out of concern that roadways never get added to a plan once they have been deleted. She is now willing to look at this from a different angle, especially in light of the fact that the Town has taken over the lease on the property and how it was presented to the Commission.

Commissioner Cable stated that she is still concerned about the two “stub ends” of Davis Avenue. She stated that she has suggested some time ago that a roadway be considered to connect from First Street over to Davis Avenue behind the Food Lion, to relieve the traffic that has to go out from the Post Office to South King Street.

Commissioner Cable then asked if the proposal to delete the Davis Avenue Corridor could be amended to just be within the floodplain area, so that there would be the opportunity to ultimately do something with additional roadway. Mr. Tompkins state that this is to remove the corridor, he is not talking about the actual construction of

roads, so that is why they are asking that this segment, which is a through collector, should be deleted from the Plan for the reasons that have been stated in the past. He stated that that does not preclude doing as Commissioner Cable is recommending, but it would not require doing a Town Plan Amendment, because you are talking about a local access road and those are not shown on the Plan.

Mr. Tompkins stated that it was originally planned that Davis Avenue would hook up to First Street and he is going to defer to the Engineering Department to explain that.

Mr. Mac Willingham, with the Engineering Department explained what the Town has planned for that road.

Commissioner Cable stated that if Davis Avenue is removed as a corridor she is concerned that the owner of Parcel B2 that is adjacent to Food Lion, will lose the ability to develop the parcel. Mr. Tompkins stated that staff cannot provide ironclad assurances, however he can tell her that staff is in agreement with her concerns. He stated that that is the main reason that the Engineering Department recommended that Davis Avenue be configured as it is now.

Commissioner Werner stated that she believes that the Commission should move forward on the Town Plan Amendment and when the time comes to amend the Comprehensive Plan this issue should be brought up at that time.

Mr. Tompkins stated that the staff is talking about a transportation policy not land use and he believes that the Town would be on shaky ground if it is to do something relative to the transportation element to deter future development of property that has proper zoning for a particular use. Ms. Schonberger stated that he is not suggesting that, he stated that he has heard that the Town desires to have parks and open space for this site and he believes that if that is the agenda he is not certain that that goal is going to be accomplished by removing the through collector from the plan.

A motion was made to adopt the recommendation to remove the through collector from the Town Plan.

The motion was seconded and approved with all voting aye, including the Chair.

Commissioner Cable stated that she would like to request that the Commission ask the Town's Engineering and Planning and Zoning Departments to study the prospect of extending Davis Avenue to First Street. She would like to request that the issue be brought back before the Commission in the near future.

Commissioner Cable also requested that the recommendation for the study be forwarded to the Town Council along with the recommendation to remove Davis Avenue from the Town Plan.

Old and New Business

Commissioner Werner stated that she did not have minutes in the packet and she believes that the Commission needs to have minutes to approve. She believes that it is important to the Commission, Council and public.

Commissioner Werner asked if there would be a meeting on December 21, 2000. Mr. Tompkins stated that it is up to the Commission, whether or not they would like to meet. The Commission agreed that they would meet on December 21, 2000.

Commissioner Cable stated that Chairman Glikas has asked her to express his concern over the safety of the intersection of Davis Avenue with South King Street. Mr. Glikas feels that it is a major problem and would like staff to take a look at that intersection.

Commissioner Kennedy suggested that the Planning Commission minutes be published online. He also proposed that corrections to minutes be given to staff prior to the meeting.

Commissioner Schonberger stated that when on Catocin Circle heading north and about to cross Market Street, the left lane is for going straight and turning left and the right lane is for right turns only. He stated that there is a huge back up there as cars wait for one car to turn left. He suggested that those be switched, make the left lane left turn only and the right lane right turn and straight. Commissioner Schonberger stated that he would like the staff to look into that in the near future.

Vice-Chairman Vaughan stated that Chairman Glikas asked that Vice-Chairman Vaughan share with the Commission his wish to continue as Chairman in the year 2001.

Commissioner Cable stated that she had proposed that the Commission have a formal nominating committee as opposed to coming forward in January and speaking from the floor. She stated that it is important for people to feel that they have an opportunity to be considered for a position. Commissioner Cable stated that the committee would take input from each Commissioner about who they would like to nominate whether it is another Commissioner or themselves.

Commissioner Schonberger suggested that a Commissioner be appointed to take a poll and find out who is interested in serving and he suggested that Commissioner Cable take on that responsibility. Commissioner Cable stated that she would be happy to serve in that capacity.

Committee Reports

Commissioner Cable stated that she would like to report on the Economic Development Commission. She stated that Tom Dunn was at the meeting earlier in the evening to observe the Planning Commission meeting. She stated that it is very significant that the Boards and Commissions have designated members to attend other Boards and Commissions to keep up with what is going on within the Town.

Commissioner Cable stated that the Downtown Plan has been assigned to four committees that were created from the Economic Development Commission. They are a Downtown Committee, a Business Retention and Development Committee, a Redevelopment and Infrastructure Committee and the last is a Tourism Committee. She stated that all issues in the Downtown Plan that were presented to the public have been assigned to one of the four Committees and they have prioritized the projects and are in the process of coming up with methods of implementation.

The Chairman asked for a motion to adjourn. It was moved and seconded. The motion passed. The meeting was adjourned.